

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Ivan Mosi Pickens

v.

Case No. 14-cv-28-SM

Commissioner, NH Department of
Corrections, et al.

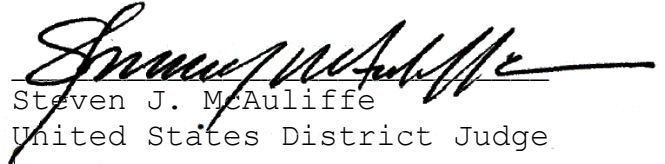
O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated September 9, 2014, for the reasons set forth therein. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

All claims asserted against the defendants in their official capacities are hereby dismissed. All claims against defendants Landry, Wrenn, Masse and the Acting NCF Warden/John

Doe 1 are hereby dismissed, and those defendants are also dismissed as defendants from this case. The case will proceed on Claim 1 (Eighth Amendment failure to protect claim) against defendant Oliver and Claim 2 (Fourteenth Amendment equal protection claim) against defendants Baker, King and John Doe 3.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

Date: October 2, 2014

cc: Ivan Mosi Pickens, pro se
Nancy J. Smith, Esq.
Lynmarie C. Cusack, Esq.